



DECLARATION OF CHARLES R. BLEICH UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
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I, Charles R. Bleich, declare that:

1. I hold a Bachelor of Science degree in Electrical Engineering from the University of Illinois, which I obtained in 1978.

2. I have worked for WMS Gaming, Inc. ("WMS") for 29 years. In those 29 years, I have been involved in various aspects of gaming machines and input devices, including buttons and variable display buttons. Specifically, I started working on variable display buttons in April of 2003 and I was involved as a consultant and a designer of the Can't Lose Button with variable displays and animated LED's, for example, in numerous design and test phases, including the initial proof of concept development, design appearance, beta testing, etc.

3. I am one of the co-inventors of the subject patent application. I am familiar with the claims of this application, including independent claims 71, 93, 102, and 109. The independent claims generally call for a button having both a variable display and a memory as a part of the same button. An important feature of these claims is that the memory is included as a part of the individual button itself and stores information for display on the button's variable display.

4. I am aware of the Office Action dated September 13, 2007, and the 35 U.S.C. 112 and obviousness rejections presented in that Office Action. I wish to provide evidence that the claimed invention would not have been obvious to one of ordinary skill in the input-device art, and specifically those working on input devices utilized within wagering-game cabinets, at the time of the invention for a number of important reasons. I wish to further provide evidence that

the specification, as originally filed, meets the written description requirement for the claimed subject matter.

5. I am aware that the Office Action rejects claims 71-79 under 35 U.S.C. 112, first paragraph and states that the limitation that “the memory being associated solely with the game button and not another game button” is not supported in the specification. However, one of ordinary skill in the input-device art would read the specification and clearly understand that the memory (included within microcontroller 83) is associated solely with the disclosed game button 19 and not the standard pushbuttons described as part of the player-control panel 44.

6. As best illustrated in FIG. 1, the intelligent game button 19/76 is shown as part of the panel 44, but the intelligent game button 19/76 is clearly distinguishable both in size and location from the standard pushbuttons. Paragraph [0044] states that “the player control panel 44 may be provided with a number of pushbuttons . . . that may be pressed by a player to select games, make wagers, make gaming decisions, etc.” One of ordinary skill in the art would immediately recognize that these pushbuttons provide the look, feel, and functionality of classic pushbuttons utilized in slot machines and the like. However, when discussing the intelligent game button 19/76, the specification clearly distinguishes the form and function from prior-art pushbuttons in paragraph [0047] through paragraph [0063].

7. The intelligent game button 19/76 includes a variable display 72 capable of having “a variety of complex animation patterns” displayed thereon. These “complex animation patterns” are displayed as a direct result of the microcontroller 83 (having both a microprocessor and a memory) within the intelligent game button 19/76 causing the variable display 72 to display the animations. Thus, the specification clearly links the need for a microcontroller 83, microprocessor, or memory within an intelligent gaming button 19/76 to a variable display 72. If a game button does not include a variable display 72, as the standard pushbuttons did not, there would be no need for a microcontroller and specifically the microcontroller 83 would not be needed to, nor could it in fact, communicate with a standard pushbutton. Nowhere does the specification discuss the microcontroller 83 communicating with a pushbutton not having a variable display 72, but in every illustrated intelligent button 19/76, the communication between a microcontroller 83 and a variable display 72 is detailed.

8. Based on the above cited disclosure, one of ordinary skill in the art would recognize and understand that while a microcontroller 83 "might" be utilized to communicate with another intelligent game button 19/76, it would not and could not—in at least one embodiment illustrated in FIG. 1—be associated or communicate with another standard pushbutton. Thus, there is explicit support within the specification for the negative limitation that "the memory being associated solely with the game button and not another game button."

9. I am aware that the Office Action rejects claims 71-79 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 6,454,649 ("Mattice"). With this declaration, I wish to point out reasons why I disagree with this assertion.

10. I am aware that the Mattice patent discloses programmable display switches. The programmable display switches each include a variable display 612 and all of the programmable display switches (and thus, the respective variable displays 612) are in communication with a single switch controller 516 (FIG. 5) or microprocessor 812 (FIG. 8). Both the single switch controller 516 or the single microprocessor 812, in various embodiments, are located independent from the external to the programmable display switches.

11. The Office Action states that "Mattice is silent on whether game buttons share memory" but, in fact, Mattice explicitly discloses such memory sharing. See, e.g., Col. 9, lls.22-25; Col. 10, lls. 21-25; FIG. 5; and FIG. 8. As was standard practice at the time of the present invention, the plurality of pushbuttons disclosed in Mattice were controlled by a single controller (e.g., microprocessor 812). Thus, although Mattice taught programmable display switches, there is absolutely no teaching or disclosure suggesting that the programmable display switches be controlled any differently than standard pushbuttons. One of ordinary skill in the art at the time of the invention would not have been able to read the disclosure of Mattice and determine that individual memories, microprocessors, or microcontrollers should or could be incorporated into the programmable display switches of Mattice. In fact, Mattice explicitly teaches away from such a modification.

12. I believe that a person of ordinary skill in the input-device art would actually be discouraged from including a memory, microprocessor, or microcontroller in an individual game button at the time of the invention. First off, microcontrollers could be purchased at the time of

the invention that had sufficient power and speed to control a large number of programmable display switches. Thus, one of ordinary skill in the art would not have seen a need to include additional microprocessors, adding additional costs to the manufacture, because there had not previously been, nor at the time was there, nor has there been since a problem with controlling a plurality of programmable display switches with a single controller. Thus, one of ordinary skill in the art would have had no reason to modify what had otherwise been a perfectly acceptable control solution, especially since modifying an intelligent game button in the manner claimed by myself and my fellow co-inventors would have increased the cost of the system without providing a recognizable benefit to one of ordinary skill.

13. Additionally, one of ordinary skill in the art at the time of the invention would have avoided putting control circuitry (which includes microcontrollers) within an individual game button. A game button is constantly depressed and released by a player and, probably more accurately, is repeatedly "pounded on" by players at the gaming machines. Microcontrollers, like other electronics, are sensitive components and the constant jostling that one of ordinary skill in the art at the time of the invention would have expected the microcontroller to receive would have caused one of ordinary skill to specifically avoid placing a microprocessor within a gaming button. Such jostling would be anticipated to cause a microcontroller to malfunction or fail more quickly, which one of ordinary skill would have tried to avoid as much as possible. Thus, one of ordinary skill would not have been motivated nor desired to place a microcontroller within an individual button at the time of the invention. This is especially true in light of the fact that an external controller was capable of controlling multiple buttons from a secure and stable location apart from the buttons themselves.

14. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: March 13, 2008

Charles R. Bleich

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